Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Postal zone: [95307]
Non-Domestic
(209) 522-1703

united States Court of Appeals

For the Ninth Circuit

San Francisco, California state

Leonard Lloyd, Morris, Citizen in Party	)	[Judicial Original Action for Judicial Review DeNovo of Administrative Action in the Federal District Court Eastern District of California]
-v-	)	
	)	CA No. 97-80611
Charles J. Stevens	)	
	)	Notice of "Refusal": ORDER
Karen J. Kalmanir	)	DENYING CITIZEN IN PARTY'S
	)	REQUEST FOR "JUDICIAL
Magistrate: Dennis L. Beck	)	ORIGINAL ACTION FOR JUDICIAL
	)	REVIEW"
United States District Court	)	
Eastern District of California	)	
Respondents.	)	

"NOTICE OF REFUSAL" FOR FRAUD:

California state)
)ss
Stanislaus County)

Citizen in Party, Leonard Lloyd, Morris, in the above titled action, being first duly sworn, having first hand knowledge of the facts herein, and being competent to testify, do affirm that the facts herein are stated under penalties of perjury under the laws of the United States of America.

Citizen in Party states that this Court has jurisdiction to make a judicial review of the administrative proceedings within the Respondent Court in that Movant has exhausted his administrative remedies and is being denied his right to due process of law, has no remedy by way of appeal and does not understand the nature and cause of the agency in the Respondent Court, this Court further, has power and authority to effect a remedy and has been mandated by Congress to make said judicial review and Title 5 USC section 706 has been given a scope of review to effect a remedy.

Judicial review is a normal action in law and is necessary in the course of law to effect all administrative remedies before asking for any extraordinary action in law.

Citizen in Party filed his Judicial Original Action for Judicial Review DeNovo of administrative Action in Federal District Court Eastern District of California with the Clerk for the Ninth Circuit Court, which was accepted as such. 100.00 FRNs were paid by Citizen in Party, for judicial review, and accepted by the Clerk as docketing fees for judicial review, as evidenced by receipt # 33985, hence the contract Citizen in Party has with

the Ninth Circuit Court of Appeals is for judicial review under the jurisdiction of 5 USC section 706.

Citizen in Party filed for Judicial Original Action for Judicial Review DeNovo of administrative action in federal District Court Eastern District of California in his Christian Appellation and as such the Ninth Circuit Court of Appeals does not have contractual authorization from Citizen in Party to change his name from his Christian Appellation to the that of a nom de gurre in all capitol letters with the intent to create a fictitious name or person LEONARD LLOYD, MORRIS.

Fictitious name: A counterfeit, alias, feigned, or pretended name taken by a person, differing in some essential particular from his true name (consisting of Christian name and patronymic), with the implication that it is meant to deceive or mislead. ***Black's Law Dictionary 6th.***

Fictitious: Founded on a fiction, having the character of a fiction, pretended, counterfeit. Feigned, imaginary, not real, false, not genuine, nonexistent. Arbitrarily invented and set up, to accomplish an ulterior object. ***Black's Law Dictionary 6th.***

Surname: "The family name, the name over and above the Christian name. The part of a name which is not given in baptism. The name of a person which is derived from the common name of his parents. ***Black's Law Dictionary 6th.***

Proper name: ...designating a noun that names a specific individual, place, etc., that is not normally used with an article, and that is normally capitalized ["Donald," "Rover," and "Boston," are proper nouns, sometimes called proper names] (Opposed to COMMON.)"

Misnomer: ... is giving incorrect name to person in accusation, indictment, pleading, or other instrument. ***Culpepper v State, 161 S.E. 623, 173 Ga. 799.*** "Misnomer is a good plea in *abatement*, for since names are the marks and *indica* which human kind can understand each other by, if the name be omitted or mistaken, there is a complaint against nobody." ***A New Abridgement of the Law, Vol. IV, by Matthew Bacon Esq., 1832, at page 7.*** "If the Christian name be wholly mistaken, this is regularly fatal to all legal instruments..."[in pertinent part]. ***A New Abridgement of the Law, Matthew Bacon Esq., Vol. VII, 1846, Misnomer and addition, Pg 7.***

Fiction of law: By a "fiction of law" something known to be false is assumed to be true, ***Ryan v Jointer Credit Co., 23 A2d 607, 621, 130 S.J.Eq. 531.*** A "fiction of law" is an assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. ***Leavell v Blades, 141 S.W. 893, 895, 237 Jlo. 695.*** It seems to be true founded in common sense, as well as strict justice, that 'fictions of law' shall not be permitted to work any wrong but shall be used ut res magisralent quam pereat. ***U.S. v 1960 Bags of***

Coffee, 12 U.S. 308, 415, 8 Cranch 398, 415, 3 L.Ed. 602.

The Citizen in party and Respondents names, as indicated in the ORDER DENYING JUDICIAL ORIGINAL ACTION FOR JUDICIAL REVIEW, are spelled by the Ninth Circuit Court of Appeals in all capitol letters. According to accepted legal format, said names are either **FICTITIOUS NAMES** or **ENTITIES** i.e. corporations or a **WAR NAME** (nom de gurre), creating the fiction of the court having venue pursuant to Title 28 U.S.C. 1391 (e), implicating violations 18 U.S.C. 1001, 1621, and 1623.

Congress in establishing 5 U.S.C. section 701-706 did so as a check and balance to governmental power and abuse of that power and it would appear that judicial review is to be granted unless otherwise restricted by Congress. "Provision for judicial review of administrative decisions (now 5 USCS section 701) is intended to be broadly construed and applied so as to grant judicial review of administrative decisions wherever it is possible to do so." ***United States v one 1957 Buick Roadmaster (1958, DC Mich) 167 F Supp 597.*** "Administrative Procedure Act (5 USCS sections 701-706) express strong public interest in avoiding even appearance of possible abuses of administrative power." ***North American Van Lines, Inc. v Interstate Commerce Com. (1974, ND Ind) 386 F Supp 665.***

Congress has expressed, through 5 USCS sections 701-706, that

judicial review is a right and as such should not be denied unless reason can be demonstrated to do so. "Access to judicial review of jinal agency action by an aggrieved person is too important a right to be excluded on anything less than "clear and convincing evidence" of a contrary legislative intent." ***National Automatic Laundry & Cleaning Council v Shultz (1971) 143 App DC 274, 443 F2d 689.*** "There exists presumption of judicial reviewability of federal agency action until Congress has asserted "clearly and convincingly" to contrary." ***American Nursing Centers, Inc. v Weinberger (1977, SD Ill) 387 F Supp 1116.*** "Judicial review of administrative action is rule, and nonreviewability is exception which must be demonstrated." ***Suwannee S.S. Co. v United States (1977) 79 Cust Ct 19, 435 F Supp 389.*** "Provisions of 5 USCS section 706 are mandatory and not merely declarative "guidelines" with respect to scope of judicial review of federal agency's action" ***Charlton v United States (1969, CA3 Pa) 412 F2d 390, later app (CA 3 Pa) 462 F2s 59, cert den 409 US 1027, 34 L.Ed 2D 321, 93 S Ct 460.***

The Ninth Circuit Court of Appeals has, by denying Citizen in Party's request for judicial review of administrative agencies order, forced Citizen in Party to seek an extraordinary action in a higher court as his only administrative remedy to due process of law, to know the nature and cause of agencies orders as are guaranteed by the fourth and fifth Amendments to

the Constitution of the United States of America.

Wherefore the Ninth Circuit Court of Appeals is asked to correct its errors of commission and omission and grant judicial review of agency orders as requested by Citizen in Party.

December 18, 1997

_____

Leonard Lloyd, Morris, Citizen in Party

Sworn and subscribed before me, a Notary Public, on this 18th Day of December in the year of one True God Nineteen-hundred Ninety-seven, Leonard Lloyd, Morris.

_____

Barbara Eileen, Isom

CERTIFICATE OF SERVICE

Case No. 97-80611

I, the undersigned, being of age and competent to serve papers, did on this 18th day of December, 1997, caused to be served a true, complete, and correct copy of the Refusal For Fraud, by placing said Refusal in a postage paid envelope, certified return receipt, into the US Mail, to the following:

Circuit Judge: SNEED
U.S. Court of Appeals
95 7th Street
San Francisco, California state
Postal zone: [94119]
Certified Mail # P 292 817 736

Circuit Judge: LEAVY
U.S. Court of Appeals
95 7th Street
San Francisco, California state
Postal zone: [94119]
Certified Mail # P 292 817 737

Circuit Judge: TROTT
U.S. Court of Appeals
95 7th Street
San Francisco, California state
Certified Mail # P 292 817 738

CATHY A. CATTERSON
Clerk, U.S. Court of Appeals
95 7th Street
San Francisco, California state
Certified Mail # P 292 817 739

Leonard Lloyd, Morris
c/o 2429 Condit Ct.
Ceres, California state
Non-Domestic [95307]

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEONARD LLOYD, MORRIS,	)	No. 97-80611
	)	
Petitioner,	)	DC# CR 91-212-DLB
	)	Eastern California
vs.	)	(Fresno)
	)	
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA,	)	ORDER
	)	
Respondent,	)	
	)	
UNITED STATES OF AMERICA,	)	
	)	
Real Party in Interest,	)	
	)	

Before: SNEED, LEAVY and TROTT, Circuit Judges

Petitioner's Judicial Original Action for Judicial Review" is denied. All other pending motions are denied as moot.

No motions for reconsideration, rehearing, clarification, stay of the mandate, or any other submissions shall be filed or entertained in this closed docket.

mocal / 12.8.97 / ch